

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **CRIMINAL NO. 1:10-CR-247**
:
v. : **(Judge Conner)**
:
ALLEN ROBERTS, JR. :

ORDER

AND NOW, this 19th day of April, 2012, upon consideration of the motions to suppress (Docs. 43, 111, 112), the motion to dismiss for vindictive prosecution (Doc. 136) and the motion for disclosure of confidential informant (Doc. 144) filed by defendant Allen Roberts, Jr. (“Roberts”), and it appearing that on December 16, 2011, Roberts entered a plea of guilty to count four of the superseding indictment (Doc. 117) pursuant to a binding plea agreement, wherein Roberts and the government stipulated to a term of imprisonment of 60 months and Roberts acknowledged that “the government’s position in this litigation was taken in good faith, had substantial basis in law and fact and was not vexatious,” (Doc. 185 ¶¶ 9, 19), and it further appearing that the court accepted Roberts’ guilty plea and found it to be voluntary (see Doc. 189), and the court finding that “[a] plea of guilty is a waiver of all nonjurisdictional defects and defenses and constitutes an admission of guilt,” United States v. Ptomey, 366 F.2d 759, 760 (3d Cir. 1966); see also United States v. Tamburro, 97 Fed. App’x 378, 380 (3d Cir. 2004) (‘When a criminal defendant has solemnly admitted in open court that he is in fact guilty of the offense with which he is charged, he may not thereafter raise independent claims relating to the deprivation of constitutional rights that occurred prior to the entry of the

guilty plea.' (quoting Tollett v. Henderson, 411 U.S. 258, 267 (1973))), and the court concluding that the issues raised by Roberts' motions are waived as the result of his guilty plea, it is hereby ORDERED that the motions to suppress (Docs. 43, 111, 112), the motion to dismiss for vindictive prosecution (Doc. 136), and the motion for disclosure of confidential informant (Doc. 144) are DENIED as moot.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge